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SUBJECT: AMBASSADOR DISCUSSES WTO, APEC CONFERENCE,
BILATERAL ISSUES WITH OFFICE OF THE GOVERNMENT

REF: A. Hanoi 2020; B. Hanoi 1863; C. Hanoi 1888; D. Hanoi
1941; E. State 145437; F. Ho Chi Minh City 816; G. Ho Chi
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1. (SBU) Summary: The Ambassador met August 8 with a senior official in the Prime Minister's office and used the occasion to highlight key points relating to Vietnam's WTO accession, the proposed joint U.S.-Vietnam APEC conference on export controls, human rights and religious freedom and the ongoing effort to acquire land to build a new Embassy compound. The Vietnamese official mostly listened, although he offered a few general observations on the WTO and human rights/religious freedom points. The Ambassador also raised the issue of U.S. treatment of Guantanamo Bay detainees (Ref A). End Summary.

2. (SBU) The Ambassador met Vice Chairman of the Office of the Government Nguyen Quoc Huy August 8. (Note: the Office of the Government is the Ministerial-level agency tasked with supporting the Prime Minister and Vietnam's three Deputy Prime Ministers. It is roughly equivalent to the Executive Office of the President in the United States. End Note.) Huy, who had accompanied the Prime Minister on his June trip to the United States, agreed with the Ambassador that the visit was successful and that it had generated much follow-up work.

VIETNAM'S ENTRY INTO THE WORLD TRADE ORGANIZATION

3. (SBU) The Ambassador affirmed that the United States strongly supports Vietnam's bid to join the World Trade Organization (WTO), but noted that the process is taking longer than Vietnam would like. To keep the process moving, the Ambassador has met with Vice Minister of Trade Luong Van Tu (Ref B) and Deputy Prime Minister Vu Khoan (Ref C), and the two sides established a mechanism so that their negotiating teams can interact informally but intensely. The U.S. side is looking for Vietnamese flexibility on certain matters, he added, including bilateral market access issues, financial services, telecom services, trading and distribution rights and tariffs. Multilaterally, the Ambassador said, all parties are actively preparing for the Working Party session in September in Geneva. The key to making that meeting a success will be the degree to which the Working Party is able to review draft versions of WTO-related legislation under consideration in Vietnam's National Assembly. And finally, Vietnam's record in implementing the Bilateral Trade Agreement (BTA) will be considered carefully by the U.S. Congress as they debate Permanent Normal Trade Relations for Vietnam.

4. (SBU) Huy said the GVN is concerned that "something unusual" is occurring in the way the USG is addressing Vietnam's WTO bid. In the Prime Minister's meeting with President Bush, the two sides agreed to have a meeting in July. However, when the GVN tried to set it up, they discovered it was not possible. Huy said he appreciates very much the efforts the Ambassador has made to move this issue forward. The two sides can accomplish a great deal by exchanging information and documents through informal channels, he acknowledged, but it is only possible to reach agreement in formal negotiation rounds. The GVN hopes to see the next round scheduled soon. (Note: the GVN's concerns on the WTO issue and the perception that the USG is renegeing on promises made by President Bush are explained in detail in Ref D. End Note.)

5. (SBU) The Ambassador said he participated in the last formal round of negotiations and was concerned at that time because the two sides were not specific about the timing of Vietnam's accession to the WTO or the next negotiation round. The United States had indicated that July was not possible, but perhaps not clearly enough. He agreed with Huy that the deal can only be closed during a formal negotiation session. However, if the next round is to be the final round, both sides have to be ready to make it happen.

APEC EXPORT CONTROL CONFERENCE

16. (SBU) Another issue of importance, the Ambassador said, is APEC. Vietnam will host APEC in 2006, which offers a tremendous opportunity for Vietnam. President Bush is looking forward to his visit to Vietnam in conjunction with that meeting. One problem, however, has surfaced: the planned Export Control Conference for APEC Economies and Transshipment Centers scheduled to take place in Hanoi October 3-6 (Ref E). The USG welcomed Vietnam's announcement of its agreement at the second APEC Senior Officials meeting May 31 to co-host the conference and understands that the Prime Minister committed personally to host this conference on export controls for all APEC members with the United States, the Ambassador said.

17. (SBU) The Ambassador advised that the USG has learned that one APEC economy may be pressuring Vietnam on issues related to this conference in an attempt to reverse commitments that all APEC economies made in Bangkok and Santiago. It is inappropriate, he continued, to hold a conference on APEC issues that excludes any APEC members, including Chinese Taipei and Hong Kong. APEC members cannot compromise the vitality of APEC by allowing one member to prevent others from implementing APEC commitments or inviting all APEC economies to participate in discussions relating to the implementation of these commitments, he stressed.

18. (SBU) The USG and GVN should not backtrack from APEC Ministers' commitments, the Ambassador said. Last year, APEC Ministers specifically committed to "continue work in APEC to unite economies and the private sector to facilitate the flow of goods to legitimate end users while preventing illicit trafficking in weapons of mass destruction, their delivery systems, and related items." Backing off because of one APEC member's unwarranted pressure would not reflect well on the GVN.

19. (SBU) The United States needs to move forward on the planning and preparation and is deeply concerned that any additional delay will result in a poorly attended conference that will not serve the goals of the U.S. and Vietnam governments or of APEC, the Ambassador explained. If the Embassy is unable to confirm by Wednesday, August 10, that Vietnam is committed to both co-hosting this conference and inviting all APEC economies, and is actively working with the United States on the conference logistics, the United States will be compelled to change the venue. Export controls are an important issue for all APEC economies and transshipment centers. Limiting this conference is simply wrong. The Ambassador expressed the hope that the GVN will move forward quickly and support a successful conference for all APEC economies.

110. (SBU) Huy said Vietnam is taking APEC very seriously, and that the Prime Minister has set up an organizational board of senior GVN officials from all agencies with an active role in planning or implementing the APEC summit. He took note of the Ambassador's concerns on the APEC Export Controls Conference and said he would discuss the USG's concerns with the Ministry of Foreign Affairs (MFA) and the Prime Minister.

NEW EMBASSY COMPOUND

111. (SBU) The Ambassador raised the issue of the USG's efforts to negotiate an agreement on a location and lease for a new Embassy compound (NEC). A USG team had come to Vietnam in July to meet with the GVN. Both sides worked hard for a week and reached agreement on the site and on the necessary procedures to move forward. At the last minute, however, the GVN side said it had to obtain wider approval for the plan and then was unable to do so. When Hanoi People's Committee Vice Chairman Do Hoang An can agree to the signed minutes of the July meeting, it will be possible for the two sides to work together on a lease. The USG is eager to reach that point, as the GVN should be, because the GVN wants to move ahead with plans to address its own space needs in Washington. Huy said he had only just learned that the USG had found a new possible site for the NEC and needs to learn more about the situation.

HUMAN RIGHTS AND RELIGIOUS FREEDOM

112. (SBU) The Ambassador noted that human rights and religious freedom are issues where the United States and Vietnam have differences that could impede the development of bilateral relations. The Ambassador believes that the real human rights and religious freedom story should be the positive changes in conditions in recent years, but it is not because human nature is to focus on specific incidents rather than the whole picture. Examples of specific cases

currently inhibiting the world's recognition of Vietnam's progress include Than Van Truong (Ref F), a patient who is in a mental hospital despite the fact that he is not mentally ill. This case attracts considerable attention in the United States. Another key case is Nguyen Dan Que (Ref G), who was amnestied during the 2005 Vietnamese New Year. Que intends to apply for a passport and travel to the United States to visit his family. The USG understands the sensitivity of the case, the Ambassador said, but hopes the GVN will permit him to travel and to return to Vietnam after his journey.

13. (SBU) On religious freedom, the Ambassador said he is "optimistic and pleased" by developments in the last six months as a result of the new legal framework on religion. The new framework has given people new opportunities to practice their religion. However, there still are reports, particularly from rural areas, that local officials either are not aware of, or ignore, the new legal framework. The USG hopes to see a greater effort to help all officials understand and publicize the new regulations. Committees on Religious Affairs at all levels need to be responsible for communicating with officials and believers. There remain some disappointments, the Ambassador noted. One example is the Mennonite Church in District 2 of Ho Chi Minh City that has had problems operating without interference (Ref H). This church, founded by the jailed Pastor Nguyen Hong Quang, has its services broken up every week. This creates the wrong impression of religious policy in Vietnam.

14. (SBU) On the issue of ethnic minorities in the Central Highlands, the recent visit by UNHCR's Bangkok representative was a real success (septel). The Ambassador told Huy that he had met with the UNHCR representative and that the UN official had lauded the effort and cooperation shown by GVN officials during his trip. The handling of the high-profile issue of the returned migrants will be important to bilateral relations, the Ambassador said. In this light, the U.S. Embassy and Consulate General in Ho Chi Minh City plan to undertake a joint trip to the Highlands to visit the returned migrants.

15. (SBU) The family members of ethnic minorities from the Central Highlands who went to the United States as refugees are also of interest to the USG. These family members are eligible to join their spouses and parents in the United States, but they have not been able to go because they cannot obtain the passports they are entitled to. The main problem involves Dak Lak Province, the Ambassador explained. This kind of local interference with legal processes creates bad will and bad publicity.

16. (SBU) Huy thanked the Ambassador for raising the sensitive issues of human rights and religious freedom, particularly those involving the Central Highlands. He stated that the GVN has "no restrictions on religious freedom or human rights." However, he noted, in Vietnam, human rights must be considered along with social stability and security. It is not acceptable in Vietnam for anyone to act in the name of human rights or religious freedom to challenge or abuse national security. He drew a parallel between "necessary constraints for security purposes" and the USG's requirement that visa applicants submit to fingerprinting. "Many people initially rejected the fingerprinting as a violation of their rights, but they ultimately submitted to it because they understand that it is necessary for national security and for their own personal safety." The Vietnamese Government and the Vietnamese people recognize that there is a difference between legitimate religious acts and those that are conducted for the purposes of undermining national security. Local officials have the responsibility to enforce the law, but the GVN has "no tolerance" for local officials who violate laws or policies themselves, Huy said.

GITMO POINTS DELIVERED

17. (SBU) The Ambassador delivered Ref H points on the U.S. treatment of detainees at Guantanamo Bay. Huy thanked the Ambassador for the points, and observed that the United States had received criticism for its treatment of the detainees.

18. (SBU) Closing the meeting, the Ambassador asked Huy about any lingering effects from the assault he had suffered during the Prime Minister's visit in June (Ref I). Huy rolled up his sleeve to demonstrate a still visibly swollen elbow, but said that the injury is healing. The Ambassador assured him that the criminal case against his assailant is proceeding.

19. (SBU) Comment: One of the biggest challenges in advocating on issues of importance to the USG in Vietnam is generating the necessary high-level pressure on line Ministries and agencies to compel them to cooperate and implement GVN policy. Thus, although the meeting with Huy

did not generate specific agreements or commitments, it was useful in bringing our key issues to the attention of the Prime Minister and ensuring that the main messages are not diluted en route to the Head of Government. End Comment.

MARINE